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Attorneys for Defendants CITY OF FAIRFIELD,  
CHIEF OF POLICE WILLIAM GRESHAM, POLICE OFFICERS  
MARK SCHRAER, CHAD TIGERT, STEVEN TROJANOWSKI, JR.,  
MIKE BEATTY, MATTHEW THOMAS, STEPHEN RUIZ,  
TROY OVIATT, JEREMY NIPPER, FRANCO CESAR and CADE BECKWITH

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARQUES PHILLIPS and CYNTHIA M.  
PHILLIPS,

Plaintiffs,

v.

CITY OF FAIRFIELD, CHIEF OF POLICE  
WILLIAM GRESHAM, OFFICER MARK  
SCHRAER, OFFICER CHAD TIGERT,  
OFFICER STEVE TROJANOWSKI, JR.,  
OFFICER MIKE BEATTY, OFFICER  
MATTHEW THOMAS, OFFICER STEPHEN  
RUIZ, OFFICER TROY OVIATT, OFFICER  
JEREMY NIPPER, OFFICER FRANCO  
CESAR, OFFICER CADE BECKWITH, and  
DOES 1 through 13,

Defendants.

Case No: CIV-S-04-0377 FCD PAN

**DECLARATION OF OFFICER STEPHEN  
RUIZ IN SUPPORT OF DEFENDANTS'  
AMENDED MOTION FOR SUMMARY  
JUDGMENT OR, IN THE  
ALTERNATIVE, MOTION FOR  
SUMMARY ADJUDICATION**

DATE: November 18, 2005

TIME: 10:00am

DEPT: Courtroom 2

JUDGE: Frank C. Damrell, Jr.

Complaint Filed (State Court): February 23, 2004

Trial Date: March 21, 2006

I, Stephen Ruiz, declare as follows:

1. I am an Officer with the Fairfield Police Department. If called to testify, I could competently testify as to the facts within this Declaration, based on my personal knowledge.

2. On February 1, 2003, I was temporarily assigned to assist the Crime Suppression Unit and Narcotics Team of the Fairfield Police Department. I was assigned to the Arrest Team along with several other officers.

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3. On the evening of February 1, 2003, the Team was engaged in a "buy/bust operation." I was assigned to the Arrest Team along with several other officers.

4. A buy/bust operation is an extremely dangerous one consisting of undercover narcotics purchases in areas known for a high level of narcotics sales.

5. Because I was on the Arrest Team, I was stationed outside of the parking lot in a patrol car.

6. At approximately 8:10 p.m. the arrest team was instructed to detain Marques Phillips.

7. By the time I got to the parking lot, Marques Phillips was already on the ground.

8. Some officers were trying to place him in handcuffs but Mr. Phillips was struggling so much they were having a difficult time. I went over to where the officers were struggling and stood near Marques Phillips' legs to try to keep him from kicking so that the handcuffs could be placed on him.

9. Sergeant Schraer ordered that Marques Phillips be taken to the ground again in order to apply RIPP restraints to his feet. I helped place Marques Phillips in RIPP restraints and placed him in the back of the patrol car.

10. I did not touch or have any interaction with Cynthia Phillips during the entire incident.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate. Executed on October 12, 2005, at Fairfield, California.

Officer Stephen Ruiz

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